

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

2:09-CR-78 JCM (RJJ)
2:10-CR-520 JCM (RJJ)

Plaintiff,

V.

SHAWN RICE,

Defendant.

ORDER

Presently before the court is *pro se* defendant Shawn Talbot Rice's motion for enlargement of time. (Doc. # 301 in case 2:09-cr-00078; doc. # 65 in case 2:10-cr-00520).

16 Defendant seeks to continue the sentencing hearing, currently set for October 24, 2012, to
17 November 23, 2012. (Doc. # 301, 2:24-25 in case 2:09-cr-00078; doc. # 65, 2:24-25 in case 2:10-cr-
18 00520). Defendant contends he has been unable to properly prepare for the hearing. (Doc. # 301, 2:7-
19 8 in case 2:09-cr-00078; doc. # 65, 2:7-8 in case 2:10-cr-00520). Defendant represents that the case
20 manager at his detention facility has yet to process his application to proceed in forma pauperis
21 which is needed for him to obtain trial transcripts. (Aff., ¶¶ 6, 7). Without these transcripts defendant
22 does not believe he can sufficiently prepare for his sentencing hearing. (*Id.*)

23 The court appreciates the importance of a criminal *pro se* defendant's ability to adequately
24 prepare for critical stages of a proceeding. *See Gardner v. Florida*, 430 U.S. 349, 358, (1977)
25 (sentencing is critical stage in criminal proceedings). Because defendant has been unable to obtain
26 important documents to present his position at the sentencing hearing, the court finds good cause for
27 a continuance.

1 || Accordingly,

2 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED, motion for enlargement of
3 time (doc. # 301 in case 2:09-cr-00078; doc. # 65 in case 2:10-cr-00520) be, and the same hereby
4 is, GRANTED.¹

5 THEREFORE IT IS ORDERED that the sentencing hearing be **continued to November 27,**
6 **2012, at 10:00 a.m.**

7 DATED September 19, 2012.

James C. Mahan
UNITED STATES DISTRICT JUDGE

26 ¹The court acknowledges defendant's request in the alternative; for an extension to December
27, 2012, if he is not able to obtain the trial transcripts until some time after September 28, 2012.
28 The court declines to grant the enlargement of time in the alternative. However, if defendant believes
he requires additional time if such is the case, defendant may file a second request with the court.